

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**JOSEPH L. BOYKIN,**

**Plaintiff,**

**v.**

**Case No. 3:14cv811**

**VIRGINIA DEPARTMENT OF JUVENILE JUSTICE, *et al.*,**

**Defendants.**

**DEFENDANTS' MOTION TO DISMISS**

The defendants the Virginia Department of Juvenile Justice (“DJJ”),<sup>1</sup> Andrew Block (“Block”), Mark Gooch (“Gooch”), Eric Tignor (“Tignor”), Peggy Parrish (“Parrish”), Charles Dockery (“Dockery”), David Grubich (“Grubich”), and Lakara Johnson (“Johnson”) (collectively, “Defendants”)<sup>2</sup>, by counsel, respectfully move this Court to dismiss, in its entirety and with prejudice, the Complaint filed against them by the plaintiff, Joseph L. Boykin.<sup>3</sup>

In support of its Motion, Defendant relies on the Memorandum of Law in Support of the Defendant’s Motion to Dismiss that has been filed contemporaneously herewith.

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<sup>1</sup> Plaintiff has named Beaumont Juvenile Correctional Center (“Beaumont”) as a separate defendant. Beaumont was established under Va. Code § 66-13(A) as a facility for the rehabilitation, education, training and confinement of juveniles committed to DJJ. As an arm of the DJJ, Beaumont cannot be sued as a separate entity.

<sup>2</sup> It is not clear whether Block, Gooch, Tignor, Parrish, Dockery, Grubich and Johnson have been sued in their individual capacities, or only in their official capacities. Regardless, the claims against them must be dismissed.

<sup>3</sup> Gooch, Grubich and Dockery are no longer employees of DJJ. Their names should be removed from the proceedings in their official capacities. *See* Fed. R. Civ. P. 25(d). Block has succeeded Gooch as Director, Parrish has succeeded Dockery as Superintendent, and Aaron Dixon has succeeded Grubich as Assistant Superintendent. Defendants respond on behalf of these individuals in their official capacities only. Gooch, Grubich and Dockery have not been properly served in their individual capacities, and do not join in this motion in such individual capacity. Grubich joins this motion in his individual capacity only to the extent that he challenges the sufficiency of process under Fed. R. Civ. P. 12(b)(5).

**V. “ROSEBORO NOTICE”**

Consistent with the requirements of *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), as well as Local Rule 7(K), the following advises the *pro se* plaintiff herein, Joseph L. Boykin, that:

- (1) he is entitled to file a response opposing Defendants’ Motion to Dismiss.  
Any such response must be filed **within twenty-one (21) days** of the date on which the Motion to Dismiss was filed;
- (2) the Court could dismiss this action on the basis of the Defendants’ moving papers if he does not file a response;
- (3) he must identify all facts stated by the Defendants with which he disagrees and must set forth his version of the facts by offering affidavits (written statements signed before a notary public under oath) or by filing sworn statements (bearing a certificate that is signed under penalty of perjury);  
and
- (4) he also is entitled to file a legal brief in opposition to the one filed by the Defendants herein.

Respectfully Submitted,

**VIRGINIA DEPARTMENT OF JUVENILE JUSTICE,  
ANDREW BLOCK in his official and individual  
capacities,  
ERIC TIGNOR in his official and individual capacities,  
PEGGY PARRISH in her official and individual  
capacities,  
LAKARA JOHNSON in her official and individual  
capacities,  
MARK GOOCH, in his official capacity,  
CHARLES DOCKERY in his official capacity, and  
DAVID GRUBICH in his official and individual  
capacities.**

By: \_\_\_\_\_/s/\_\_\_\_\_  
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Rhodes Ritenour  
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**Ryan S. Hardy\***  
Assistant Attorney General

**\*Counsel of Record for Defendant**

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 21st day of January, 2015, the foregoing **DEFENDANT'S** **MOTION TO DISMISS** was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing (NEF), and sent via electronic mail and first class, postage prepaid, to the following:

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**PLAINTIFF PRO SE**

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